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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Akihiko MARUYAMA et al.

Group Art Unit: 1634

Appl. No. : 10/049,626  
(National Stage of PCT/JP00/05711)

Examiner: Frank Wei Min Lu

Filed : February 22, 2002  
(International Filing Date August 24, 2000)

For : METHOD OF DETECTING AND QUANTITATING MICROORGANISM  
HAVING SPECIFIC FUNCTION AND ITS GENE FROM NATURAL  
ENVIRONMENT, NOVEL 16sRrNA GENE DATA AND PROBES

**ELECTION**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir :

This paper is responsive to the Requirement for Restriction mailed from the Patent and Trademark Office March 21, 2005, in the above application. Inasmuch as the one-month shortened statutory period was set in the Office Action to expire one month from March 21, 2005, Applicants hereby request an extension of time for one (1) month and are concurrently filing a formal Request for Extension of Time, together with requisite fees therefor. However, if any additional extension of time is deemed to be necessary, the same is hereby requested and the Patent and Trademark Office is authorized to charge any additional extension of time fees and any other fees necessary for maintaining the pendency of this application to Deposit Account No. 19-0089.

Reconsideration and withdrawal of the requirement for restriction are respectfully requested in view of the remarks which follow:

### **RESTRICTION REQUIREMENT**

The Restriction Requirement states that the Examiner has determined that three (3) distinct inventions are contained in this application, namely:

Group I: Claims 1-20, drawn to a method for detecting and quantitating a microorganism having a specific function and its gene from the natural environment (claims 1-8, 19, and 20), a method for assessing the function of a microbial population in the natural environment by analyzing succession of the microorganism existing predominantly in the natural environment (claims 9 and 10), a method for analyzing and assessing a polluted environment (claims 11 and 12), a method for analyzing and evaluating an environment polluted by harmful chemicals (claims 13-16), and a method for analyzing and evaluating an oil-polluted environment (claims 17 and 18).

Group II: Claims 22-29, drawn to a 16S rDNA (claim 22) and an RNA or DNA probe (claims 23-29).

Group III: Claims 32-43, drawn to a method for detecting and quantitating a petroleum-degrading bacterium belonging to the genus *Cycloclasticus* (claims 32-35), a method for screening a petroleum-degrading bacterium belonging to the genus *Cycloclasticus* (claims 36-39), and a method for identifying a petroleum-degrading bacterium belonging to the genus *Cycloclasticus* (claims 40-43).

The Requirement has therefore required that an election be made between these inventions.

### **ELECTION**

In response to the Restriction Requirement, Applicants elect the invention of Group I (at least claims 1-20).